

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendants.	12 Misc. 00115 (JSR)
In re MADOFF SECURITIES	
PERTAINS TO THE FOLLOWING CASES:	
IRVING H. PICARD, Plaintiff, v. FITERMAN INVESTMENT FUND, <i>et al.</i> , Defendants.	Adv. Pro. No. 10-04354 (BRL) District Court Case No. 11 Civ. 08984 (JSR)
IRVING H. PICARD, Plaintiff, v. HESS KLINE REV. TRUST, <i>et al.</i> , Defendants.	Adv. Pro. No. 10-04719 (BRL) District Court Case No. 11 Civ. 08986 (JSR)

<p>IRVING H. PICARD,</p> <p>Plaintiff,</p> <p>v.</p> <p>METRO MOTOR IMPORTS, INC.,</p> <p>Defendant.</p>	<p>Adv. Pro. No. 10-04499 (BRL)</p> <p>District Court Case No. 11 Civ. 08987 (JSR)</p>
<p>IRVING H. PICARD,</p> <p>Plaintiff,</p> <p>v.</p> <p>MILES Q. FITERMAN REVOCABLE TRUST, <i>et al.</i>,</p> <p>Defendants.</p>	<p>Adv. Pro. No. 10-04337 (BRL)</p> <p>District Court Case No. 11 Civ. 08988 (JSR)</p>
<p>IRVING H. PICARD,</p> <p>Plaintiff,</p> <p>v.</p> <p>MILES & SHIRLEY FITERMAN CHARITABLE FOUNDATION, <i>et al.</i>,</p> <p>Defendants.</p>	<p>Adv. Pro. No. 10-05067 (BRL)</p> <p>District Court Case No. 11 Civ. 08989 (JSR)</p>

JOINDER TO THE TRUSTEE’S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS’ CONSOLIDATED MOTIONS TO WITHDRAW THE REFERENCE

Windels Marx Lane & Mittendorf, LLP is Special Counsel to Irving H. Picard, trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Trustee”), and is counsel of record for the Trustee in certain of the above-captioned adversary proceedings, *Picard v. Fiterman Investment Fund, et al.* (Adv. Pro. No. 10-04354 (BRL)), *Picard v. Miles Q. Fiterman Revocable Trust, et al.* (Adv. Pro. No. 10-04337 (BRL)), and *Picard v. Miles & Shirley Fiterman Charitable Foundation, et al.* (Adv.

Pro. No. 10-05067 (BRL)) (collectively, the “Fitterman Proceedings”)¹. On December 7, 2011, the defendants in the Fitterman Proceedings filed Motions to Withdraw Reference to Bankruptcy Court. The Fitterman Proceedings were assigned District Court Case Numbers as follows: *Picard v. Fitterman Investment Fund, et al.* (District Court Case No. 11-cv-08984)), *Picard v. Miles Q. Fitterman Revocable Trust, et al.* (District Court Case No. 11-cv-08988), and *Picard v. Miles & Shirley Fitterman Charitable Foundation, et al.* (District Court Case No. 11-cv-08989). By Order of this Court dated March 7, 2012, pursuant to Fed. R. Civ. Proc. 42(a), the Fitterman Proceedings were consolidated with the two other adversary proceedings (collectively, the “Consolidated Proceedings”) for the limited purpose of addressing the Motions to Withdraw the Reference filed in the Consolidated Proceedings.

In the above noted capacity, Windels Marx hereby joins in the Trustee’s Memorandum of Law in Opposition to Defendants’ Consolidated Motions to Withdraw the Reference filed by Baker & Hostetler LLP on May 8, 2012 in the consolidated docket *SIPC v. Bernard L. Madoff Investment Securities LLC (In re Madoff Securities)*, District Court Case No. 12 Misc. 00115 (JSR), as pertaining to the Consolidated Proceedings [Dkt. No. 84], as well as in the individual dockets of the Consolidated Proceedings, and all arguments asserted therein to the extent applicable to the Fitterman Proceedings.

¹ The other two adversary proceedings are *Picard v. Hess Kline Revocable Trust, et al.* (Adv. Pro. No. 10-04719, District Court Case No. 11-cv-08986) and *Picard v. Metro Motor Imports, Inc.* (Adv. Pro. No. 10-04499, District Court Case No. 11-cv-08987).

Dated: New York, New York
May 8, 2012

By: /s/ Howard L. Simon
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